

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MATTHEW CATANZARO,

Plaintiff,

CIVIL ACTION NO. 10-CV-14554

vs.

DISTRICT JUDGE NANCY G. EDMUNDS

CARR, et al.,

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendants.

ORDER GRANTING MDOC DEFENDANTS' MOTION TO STAY DISCOVERY
(DOCKET NO. 54)

This is a *pro se* civil rights action filed by a Michigan state prisoner. (Docket no. 1). Defendants Anthony King, Stephen DeBoer, Robert Carr, Rosana Souza, Cef Suarez, John Hull, William Czachowski, Linda Adams, Michael Olson, Rosalie Petty, Nick Ludwick, Angela (nee Brauer) Eichorn, and Patrick Pavlo have filed Motions for Summary Judgment (docket nos. 34, 35, 36) which are pending now. In addition to those motions, these same thirteen Defendants filed a Motion to Stay Discovery. (Docket no. 54). Plaintiff has filed a response to the Motion to Stay Discovery. (Docket no. 59). All pretrial matters have been referred to the undersigned for action. (Docket no. 10). The Court dispenses with oral argument on the motion pursuant to E.D. Mich. LR 7.1(f). The motion is now ready for ruling pursuant to 28 U.S.C. § 636(b)(1)(A).

Because this is a *pro se* prisoner proceeding it is exempted from the initial disclosure requirements of Fed. R. Civ. P. 26. Fed. R. Civ. P. 26(a)(1)(B)(iv). In addition, Defendants raise the defense of qualified immunity as state employees in their Motions for Summary Judgment. (Docket nos. 34, 35, 36). The Sixth Circuit has made clear that when such a motion is filed

discovery should not be allowed until after the immunity question is resolved. *Skousen v. Brighton High School*, 305 F.3d 520, 526-27 (6th Cir.2002). In accordance with this authority, discovery will be stayed pending consideration of Defendants' summary judgment motions.

IT IS THEREFORE ORDERED that the MDOC Defendants' Motion to Stay Discovery (docket no. 54) is **GRANTED**.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: September 1, 2011

s/ Mona K. Majzoub

MONA K. MAJZOUB

UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Matthew Catanzaro and Counsel of Record on this date.

Dated: September 1, 2011

s/ Lisa C. Bartlett

Case Manager